



Title I, Part A & Title III, Part A Ensuring Equitable Services to Private Schools

***Under the *Elementary and Secondary Education Act of 1965 (ESEA)*,
as reauthorized by the
*No Child Left Behind Act of 2001 (NCLB)****

**Virginia Department of Education
*March 21, 2013***

Private Schools and ESEA

ESEA (Sections 1120 and 9501) requires that access to equitable services be offered to:

- Eligible students
- Their parents (Title I applicable)
- Teachers
- Other educational personnel



Services are to be supplemental to core instruction and services offered by private schools

- No funds go directly to private schools or general needs of private schools
- Participation by private schools not required

ESEA Requirements Regarding Equitable Services

The Uniform Provisions in Title IX, Part E, Subpart 1, of ESEA govern the participation of private school students and teachers in certain programs.



Title I, Part A, (Section 1120) has its own provisions governing private school participation.

Student, Teacher, and Principal Eligibility

Private school students, teachers, and principals in nonprofit private elementary and secondary schools, including religiously affiliated schools, are eligible under the *same conditions as the federal program allows for* public school students, teachers, and principals.



Uniform Provisions of Title IX

Eligibility and participation requirements *differ* from program to program.

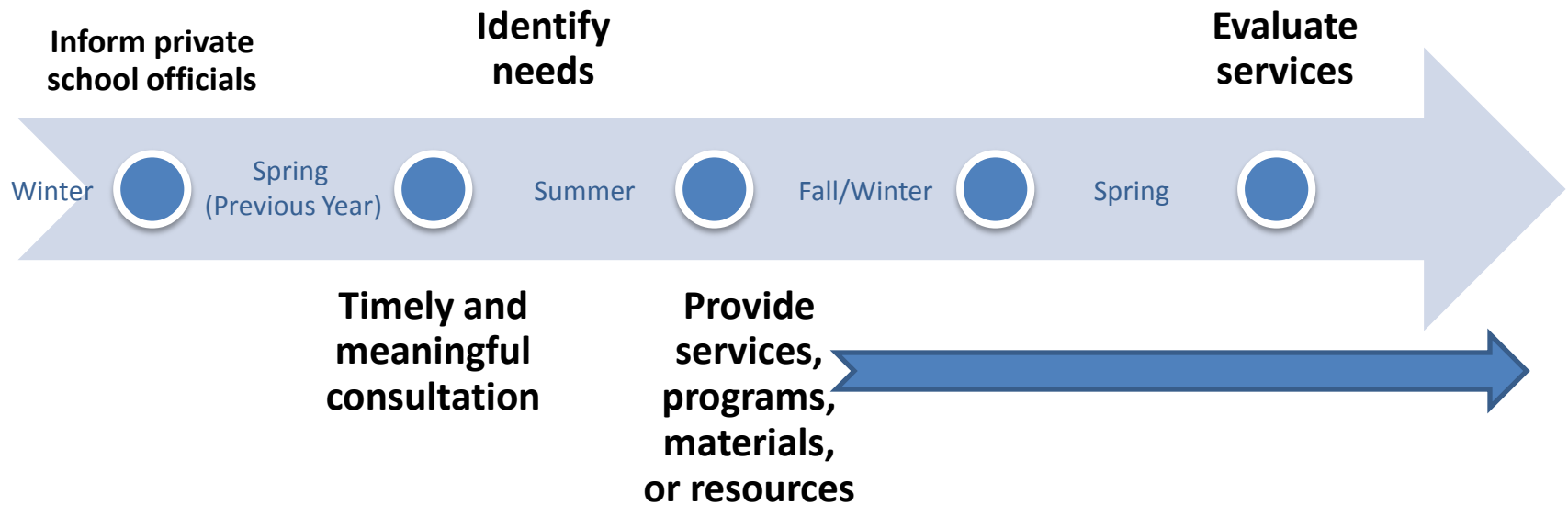


All Programs Require...

**Timely and Meaningful
Consultation**



Suggested Consultation Timeline



Equitable Services

Provide services that are allowable and comparable to those provided to public school students and teachers participating in the program

Can be different from those provided to public school participants

Needs of private school students and teachers must be assessed and evaluated

No funds are provided directly to private school

Programs Governed by the Uniform Provisions of Title IX

- Title I, Part C, Migrant Education
- Title II, Part A, Teacher and Principal Training and Recruiting Fund
- Title II, Part B, Mathematics and Science Partnerships
- Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part B, 21st Century Community Learning Centers

Programs No Longer Funded

- Title I, Part B, Subpart 1, *Reading First*
- Title II, Part D, *Enhancing Education through Technology*
- Title IV, Part A, *Safe and Drug-Free Schools and Communities*

Programs not under Title IX

- Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies

Overview of Equitable Services for the Following



Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies



Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement

Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies

Title I, Part A, (Section 1120) has separate provisions governing private school participation.



Bypass and Title I, Part A

Bypass is a means by which USED directly provides Title I, Part A, equitable services to private school students and teachers through a third-party provider. (Section 1120(e)(1-3))



Virginia is one of two Bypass states.



Services are offered by a third-party provider to private schools in 14 school divisions.



All other eligible private school students in the remaining 118 school divisions may receive Title I, Part A, services through their resident public school division.

Divisions in the Title I Bypass

1. Alexandria City
2. Arlington County
3. Chesapeake City
4. Fairfax County
5. Falls Church City
6. Henrico County
7. Lynchburg City
8. Newport News City
9. Norfolk City
10. Portsmouth City
11. Prince William County
12. Richmond City
13. Stafford County
14. Virginia Beach City

118 Non-bypass Divisions



Consultation Process

Consultation with private schools is the responsibility of the school division.

The division is responsible for providing equitable services for its eligible children who attend private schools, even those attending private schools located in other divisions.

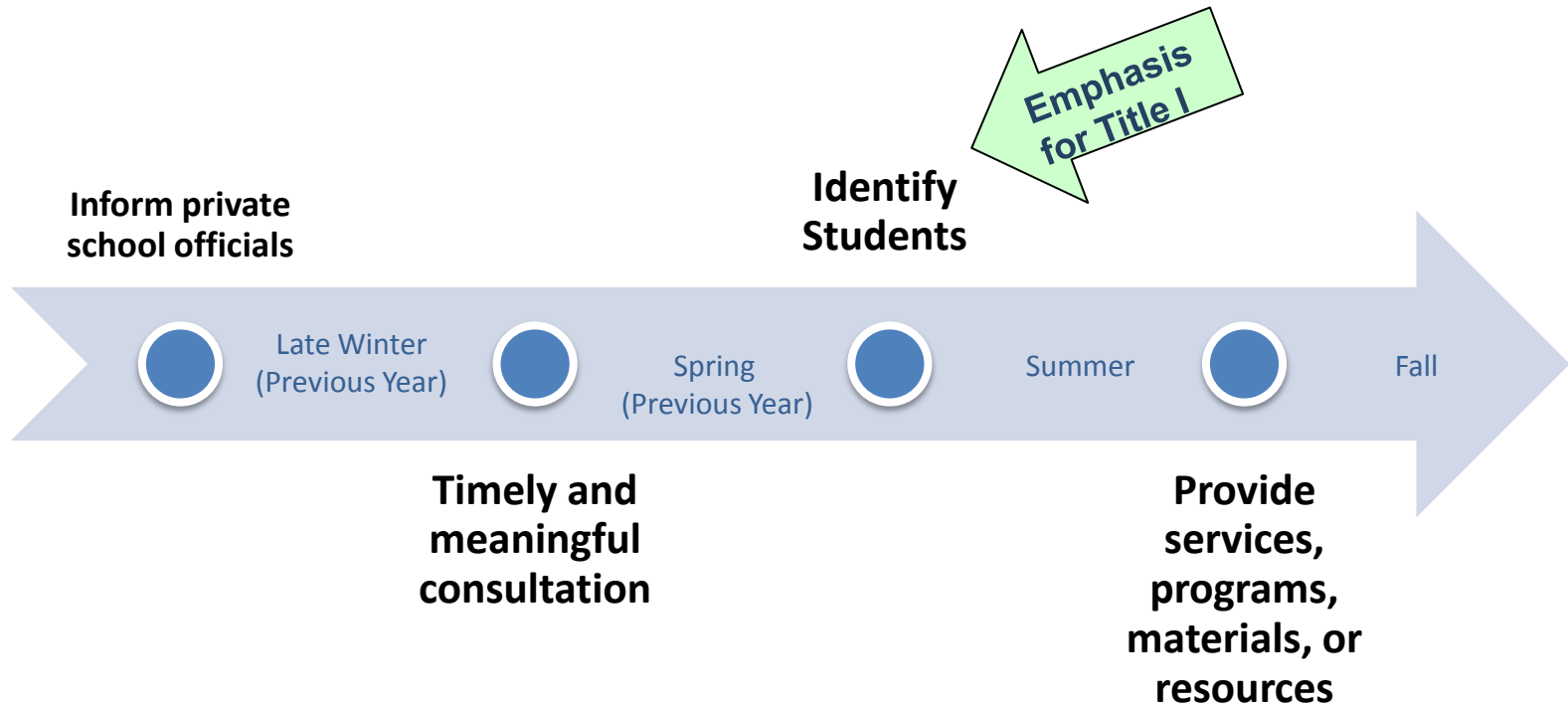


Affirmation of Consultation

Each division must have a written annual affirmation of consultation signed by an official of each participating private school. (Section 1120)



Consultation Timeline



Title I Comprehensive Needs Assessment

- 1. Review the subject area and/or grade span of focus and decide who will be involved in conducting the Comprehensive Needs Assessment.**
- 2. Determine which types of data will be collected and analyzed for services.**
- 3. Determine areas of priority and summarize needs.**

Examples of Services

Must be
Secular, Neutral, Non-Ideological

Saturday
Tutoring

Small Group
Remediation

Virtual
Learning
Opportunities

Family
Literacy Night

Professional
Development

Identification of Eligible Students

Documentation

- LEAs may request documentation, as needed, from private school officials to enable the LEA to identify eligible students.

Identification

- An LEA, in consultation with private school officials, must obtain the best available poverty data on private school children residing in participating Title I public school attendance areas.

Fiscal Considerations

Funds

- The LEA must always **maintain control of the program funds**, as well as title to all materials, equipment, and property purchased with federal funds.
- **Only the LEA may obligate and expend federal funds on** behalf of private school students and teachers.

Program Design

- Based on the needs of the children to be served, the program must provide an instructional program that not only supplements but also is well coordinated with the instruction that the private school children are receiving in their regular classrooms.

Consultation Meeting Discussion

**identification of
students' needs**

**amount of funds
available for
services**

**what services,
size, and scope
offered**

**how and where
services will be
provided**

**who will provide
the services**

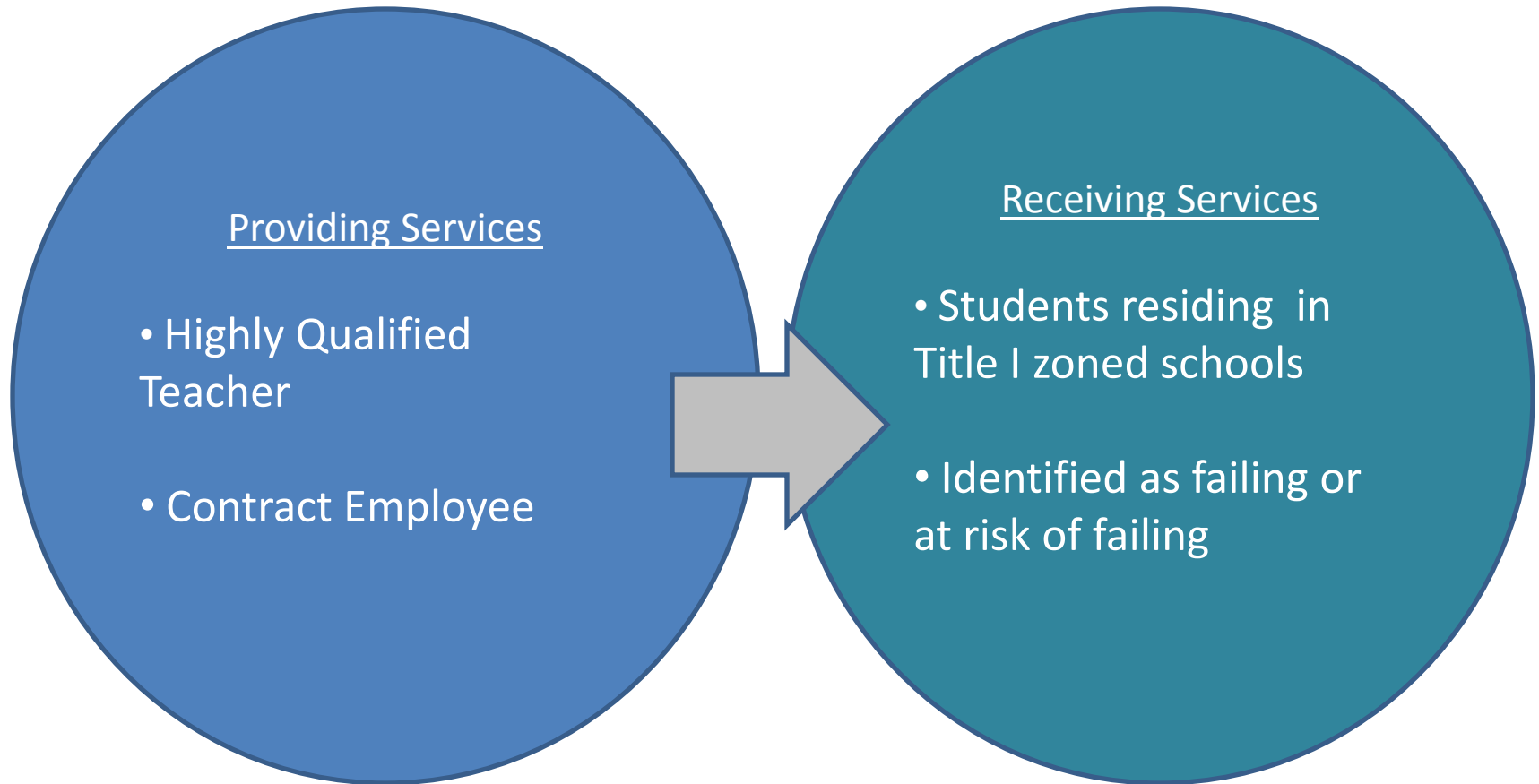
**When services
will be provided**

**how the services will be
evaluated and results of
evaluations will be used to
improve those services**

**parent involvement
and professional
development**

**Specific to
Title I**

Instructional Services



Instructional Services

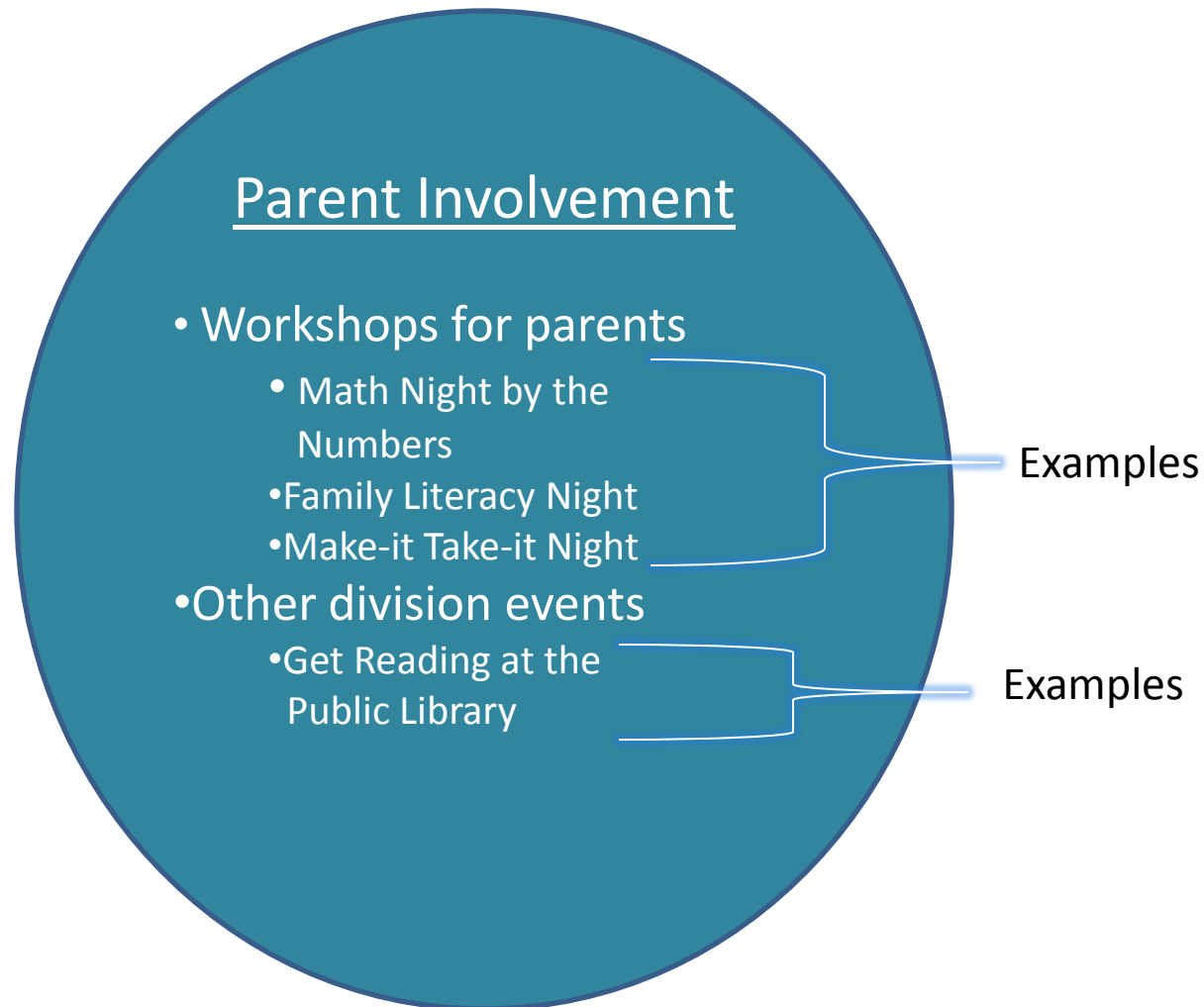
Location

- On-site at the nonpublic school
- Other agreed upon location

Instructional Design

- Targeted services
- Extended Learning
- Tutoring
- Virtual Learning

Other Components of Title I, Part A



Ensuring Productive Meaningful Consultation

Possible Questions to Ask:

What is the purpose of this program, and how may it be used with private schools?

Which staff members will be involved in the needs assessment?

What kind of data will be used to measure need and identify students served?

What types of services are available to address needs?

What is the timeline for providing services for students?

What other programs might be used to address needs?

How will the program be evaluated?

Frequently Asked Questions

Title I, Part A

- How do divisions determine participating public school attendance areas?

Response

- A public school attendance area is generally eligible to participate in Title I if its percentage of children from low-income families is at least as high as the percentage of children from low-income families in the division as a whole.
- A division has the flexibility, for example, to decide to serve only elementary schools or a combination of elementary and middle schools, but not high schools.

Frequently Asked Questions

Title I, Part A

• Once the participating public school attendance areas have been established, how do divisions allocate funds for Title I services?

Response

• An LEA calculates the per-pupil allocation for each participating public school attendance area. The calculated allocation is then multiplied by the total number of children from low-income families residing in each attendance area attending the private school to determine the value of services for that school.

Frequently Asked Questions

Title I, Part A

- How do divisions collect poverty data on private school children?

Response

- The same measure(s) of poverty used by the division should be used in consultation with private schools. If available, divisions should use the same measure of poverty used to count public school children; e.g., free and reduced price lunch data.
- Use comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.

Frequently Asked Questions

Title I, Part A

Who may serve as the private school official representing the private school in meaningful consultation meetings?

Response

- Most often, the principal of the private school is the designated representative for consultation.
- The principal may designate another individual at the school.
- A group of principals may designate an individual to represent them.*
- An official from a group of similarly-affiliated schools within a division may be designated. (i.e., a diocesan representative) *

*Note: if someone other than the principal will represent the school or a group of schools, notification should be sent in writing to the division's superintendent and Title I, Part A coordinator.

Frequently Asked Questions

Title I, Part A

May private schools within the same school division request that the school division “pool” funds for services?

Response

- Yes, funds for schools within the same school division may be pooled.
- Funds may NOT be pooled across different school divisions.
- If some schools wish to pool funds and others do not wish to pool, that is acceptable.

Frequently Asked Questions

Title I, Part A

8) If a private school requests it, may a school division write a reimbursement check to a private school from Title I, Part A, funds?

Response

- No. It is never permissible to reimburse a private school for services or materials it has purchased.
- Upon PRE-APPROVAL, a school division may reimburse an **individual** private school staff member for participation in approved professional development activities.

Questions about Title I, Part A



Title III, Part A

English Language Acquisition, Language Enhancement, and Academic Achievement



Equitable Participation

Divisions are required to provide services to eligible private school students enrolled in private elementary and secondary schools in the school division, or in the geographic area served by another division.



Equitable Participation Defined

Participation is considered to be equitable if the LEA:

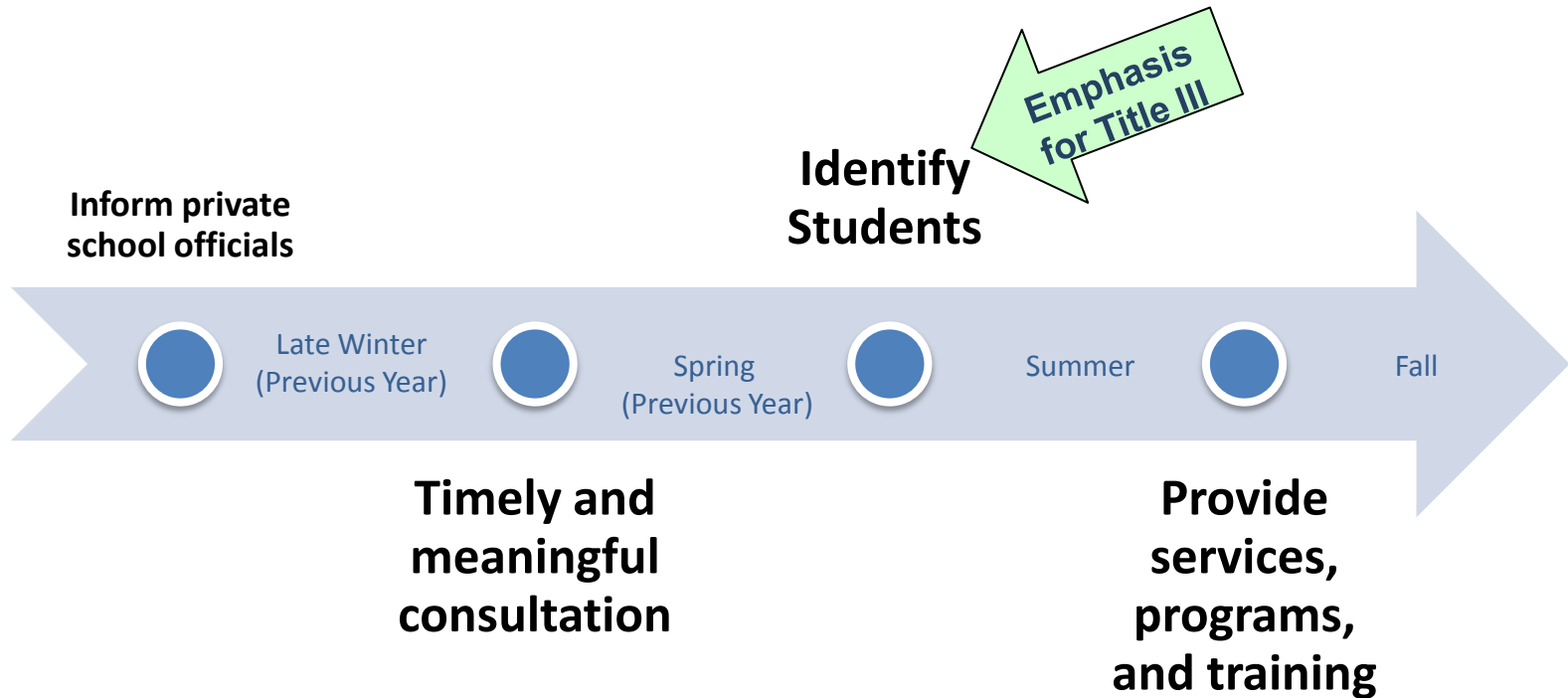
assesses, addresses, and evaluates the needs and progress

provides, in the aggregate, approximately the same amount of services to students and educational personnel

spends an equal amount of funds to serve similar public and private school students

provides both groups of students and educational personnel equal opportunities to participate in program activities.

Consultation Timeline



Ensuring Productive Meaningful Consultation

Title III Needs Assessment will Address ...

Process used to identify students as Limited English Proficient (LEP)

Instructional strategies currently being used to address the needs of LEP students

Professional Development is being offered to instructional staff to address LEP student needs

Evaluation to be used to identify and address English language development needs

Understanding English Language Proficiency

The term **language proficiency** reflects a student's current level in the language acquisition process at a particular point in time.

Virginia recognizes five English Language Proficiency Levels* that influence the design of Title III services.

A student's level is determined by an annual statewide English Language Proficiency Assessment.

*For more information about English Proficiency Levels visit WIDA:
<http://wida.us/standards/eld.aspx>

Requirements for Timely and Meaningful Consultation

Consultation occurs between public and private school officials for the purpose of:

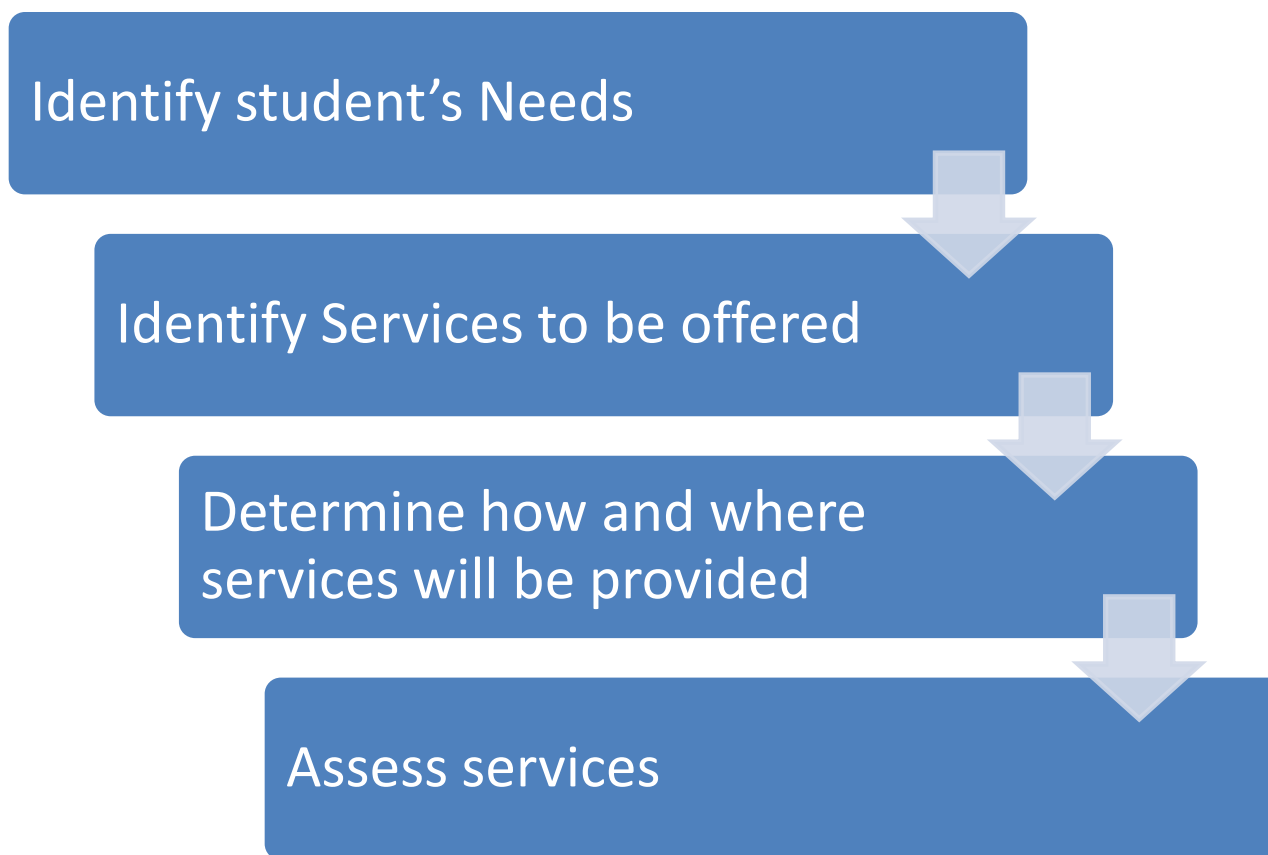
- **providing educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by division.**

Consultation must:

- **occur before any decision is made that could affect private school students and other education personnel; and**
- **continue throughout the implementation and evaluation of services.**

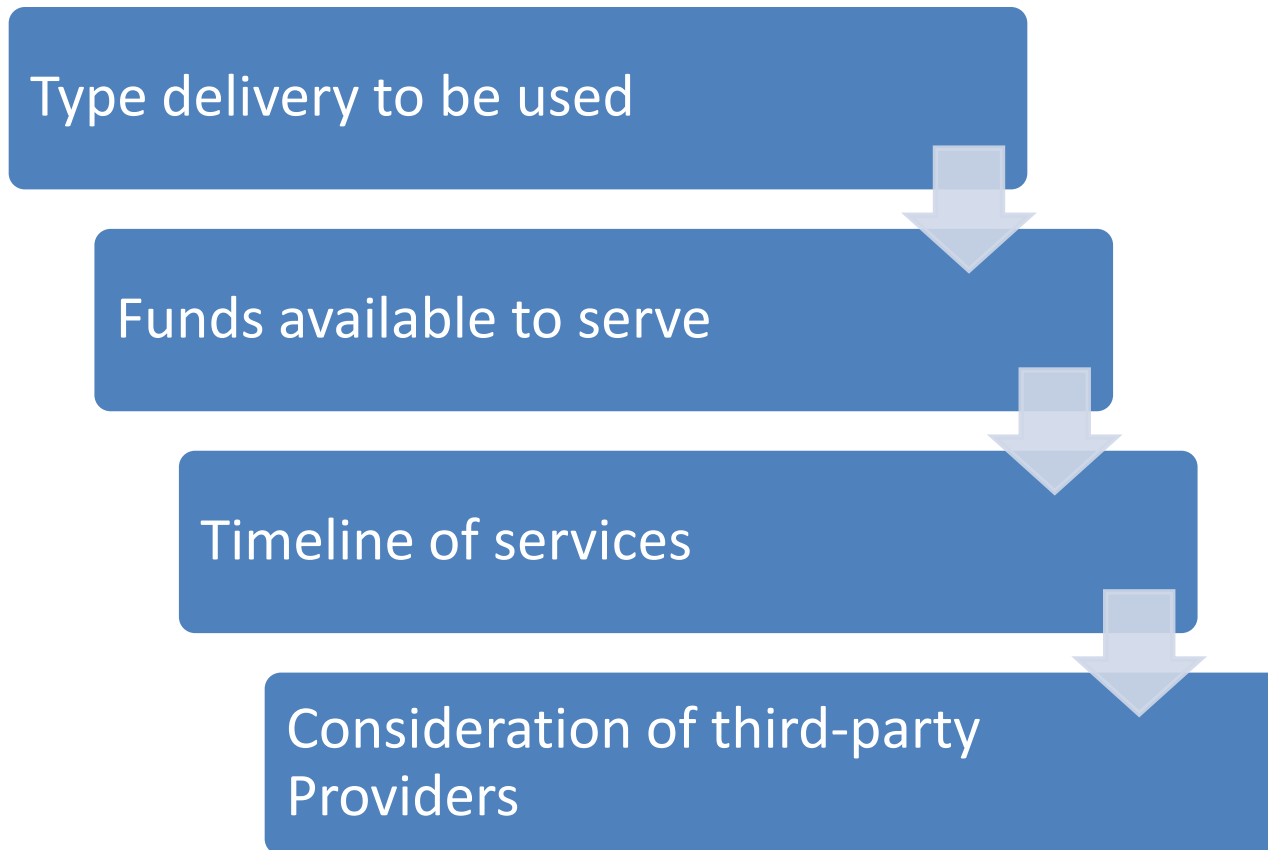
Consultation Process

Divisions must consult with appropriate private school officials during the design and development of the Title III program.



Consultation Process

Continued.....



Identification of Eligible LEP Students

Documentation

- LEAs may request documentation, as needed, from private school officials to enable the LEA to identify eligible students.

Identification

- If a private school requests assistance from an LEA in identifying LEP students, it is the LEA's obligation to assist the private school. This service can be considered part of the services provided to private school students by the LEA.

Fiscal Considerations

Funds

- The LEA must always **maintain control of the program funds**, as well as title to all materials, equipment, and property purchased with federal funds.
- **Only the LEA may obligate and expend federal funds on** behalf of private school students and teachers.

Supplement not Supplant

- Title III funds may not be used to finance the existing level of instruction in a private school. **Services must supplement and not supplant what the private school would otherwise offer** absent the Title III program.

Examples of Services

Screening of
LEP Students

Assessing
LEP Students

Shared
Resources

Small Group
Instruction

After School
Tutoring

Professional
Development

Ensuring Productive Meaningful Consultation

Possible Questions to Ask:

What is the purpose of this program, and how may it be used with private schools?

How will LEP students be identified?

How will ELP levels be determined ?

What types of services are available to address needs of students and staff?

What is the timeline for providing services for students?

What other resources might be used to address needs?

How will the program be evaluated?

Frequently Asked Questions

Title III, Part A

- How does a division determine what Title III services are to be provided?

Response

- A division, in consultation with appropriate private school officials, determines the appropriate Title III services based on the needs of the identified LEP private school students and their teachers or other educational personnel and the amount of funds available for such services.

Frequently Asked Questions

Title III, Part A

- Must a division's Title III program design be the same for both public and private school students and educational personnel?

Response

- No. Consultation and coordination between the school division and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging state academic content and student academic achievement standards as all children are expected to meet.

Frequently Asked Questions

Title III, Part A

- Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Response

- Yes. Like teachers serving public school limited English proficient students, teachers providing Title III services to private school students, whether division employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

Frequently Asked Questions

Title III, Part A

Who may serve as the private school official representing the private school in meaningful consultation meetings?

Response

- Most often, the principal of the private school is the designated representative for consultation.
- The principal may designate another individual at the school.
- A group of principals may designate an individual to represent them.*
- An official from a group of similarly-affiliated schools within a division may be designated. (i.e., a diocesan representative) *

*Note: if someone other than the principal will represent the school or a group of schools, notification should be sent in writing to the division's superintendent and Title III, Part A coordinator.

Frequently Asked Questions

Title III, Part A

May private schools within the same school division request that the school division “pool” funds for services?

Response

- Yes, funds for schools within the same school division may be pooled.
- Funds may NOT be pooled across different school divisions.
- If some schools wish to pool funds and others do not wish to pool, that is acceptable.

Frequently Asked Questions

Title III, Part A

If a private school requests it, may a school division write a reimbursement check to a private school from Title III, Part A, funds?

Response

- No. It is never permissible to reimburse a private school for services or materials it has purchased.
- Upon PRE-APPROVAL, a school division may reimburse an **individual** private school teacher or principal for participation in approved professional development activities.

Questions about Title III, Part A



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